

AMENDED IN SENATE APRIL 24, 2006

SENATE BILL

No. 1302

Introduced by Senator Ashburn

February 16, 2006

An act to amend Sections 8421, 8422, 8425, 8426, 8427, 8428, 8482.3, 8482.5, 8482.55, 8482.8, 8483, 8483.1, 8483.2, 8483.4, 8483.7, 8483.75, 8483.9, 8484.6, 8484.7, 8484.75, 8484.8, and 8484.9 of, to add Sections 8421.5 and 8482.4 to, to repeal Sections 8482.5, 8483.25, 8483.7, 8483.8, 8483.9, 8484, and 8484.5 of, and to repeal and add Sections 8423, 8483.3, and 8483.55 of the Education Code, relating to before and after school programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1302, as amended, Ashburn. Before and after school programs: grant management: funding priorities.

(1) Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens program for the purpose of creating incentives for establishing locally driven after school enrichment programs that partner schools and communities to provide academic support and safe, constructive alternatives for high school pupils in the hours after the regular schoolday.

This bill would expand the purpose of the program to include instruction and services designed to help pupils pass the high school exit examination required for high school graduation under certain provisions of existing law.

The bill would revise the program evaluation procedure and would delete certain program application criteria.

The bill would revise the funding procedure for grants under the program.

(2) Existing law, the After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program.

The act requires that grants made to public schools under the program for the 2003–04 fiscal year continue to be funded in each subsequent fiscal year at the 2003–04 fiscal year level before any other grants are funded under the act, if those schools continue to make application for the grants and are otherwise qualified under the act.

This bill, additionally, would require that an application for a grant under the act for a program that was formerly funded under certain provisions of existing law relating to community learning centers be funded under the act before any new grant is funded under the act, if the program is otherwise qualified under the act.

(3) The act authorizes the awarding of “After School Education and Safety Universal Grants” after the grants described in (2) above have been funded. Existing law requires that every public elementary, middle, and junior high school in the state have equal priority of funding for the specified universal grants.

This bill, instead, would require the community learning center grants described in (2) above to receive priority over all other new grant applications.

(4) The act exempts the grants described in (2) and (3) above from a requirement that priority for funding under the act be given to schools where a minimum of 50% of the pupils in elementary schools and 50% of the pupils in middle and junior high schools are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.

This bill would delete that exemption.

(5) The act requires that all funds remaining from the continuous appropriation after the grants described in (2) and (3) above have been funded to be distributed as 3-year renewable incentive grants under certain provisions of existing law. Priority for these funds are required

to be established pursuant to, among other things, certain provisions that require consideration of equitable distribution of grants in northern, southern, and central California, in urban, suburban, and rural areas, and consideration of certain other factors relating to program quality.

This bill would delete the requirement that priority for the specified funds be established pursuant to the specified provisions.

(6) Existing law requires the department to provide notice to all schools eligible for grants under the act of the availability of those grants, as well as the process for making an application.

This bill would delete the specified requirement.

(7) Existing law authorizes a school that participates in the program to receive a 3-year renewable incentive grant that is required to be awarded in 3 one-year increments and is subject to annual reporting and recertification, as required by the department.

The act authorizes the department, in any fiscal year during which a program participant receives state funds to operate a program that are in an amount in excess of the amount warranted, due to the program serving fewer pupils than planned, to raising an inadequate amount of matching funds, or for any other reason, to reduce any subsequent allocations by an amount equal to that overpayment.

This bill, instead, would authorize the department to adjust the grant level of a program that is unable to attain its targeted attendance level by more than 10% in each of 2 consecutive years. The bill would authorize the department to terminate the grant of a program in which the actual attendance falls below 75% of the target attendance level. The bill would also authorize the department to terminate the grant of ~~a any school within the program that consistently fails to improve pupil achievement~~ *fails to demonstrate that at least 70% of the participating pupils have either improved their school day attendance from the previous year or maintained an attendance level of at least 95%, and either of the following: (1) improve, over three consecutive years, the achievement of participating pupils in English, language arts, and mathematics, as measured—under by the results of Standardized Testing and Reporting Program established under Section 60810 or (2) improve, in at least one of the three consecutive years, the achievement of participating pupils in English language proficiency, as measured by the English language development test, as specified.* The bill would revise certain matching fund requirements in existing law.

(8) The act authorizes the department to spend 1½% of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants.

This bill, instead, would require the department to be allocated funds through the annual Budget Act, from the specified continuously appropriated funds, to cover evaluation costs and pay the department's costs of awarding and monitoring grants.

(9) Existing law provides for the funding of certain community learning center programs in specified amounts.

This bill would delete the specified funding amounts and would make other revisions relating to community learning center programs.

(10) Because this bill would make money that is continuously appropriated specifically available for these new purposes, the bill would make an appropriation.

(11) The act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

Certain other provisions of the act relating to funding priorities, as described in (2) to (5), inclusive, may be amended by the Legislature only by a ⅔ majority vote of each house, to further the purposes of the act.

This bill would set forth legislative findings and declarations that it furthers the purposes of the act.

(12) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8421 of the Education Code is amended
2 to read:
3 8421. There is hereby established the 21st Century High
4 School After School Safety and Enrichment for Teens program.
5 The purpose of the program is to create incentives for
6 establishing locally driven after school enrichment programs that
7 partner schools and communities primarily to provide instruction
8 and services designed to help pupils pass the high school exit
9 examination required for high school graduation under Chapter 9
10 (commencing with Section 60850) of Part 33 for public school
11 programs, and also to provide academic support and safe,

1 constructive alternatives for high school pupils in the hours after
2 the regular schoolday.

3 (a) High school after school programs shall serve pupils in
4 grades 9 to 12, inclusive.

5 (b) A high school after school program established pursuant to
6 this article shall consist of the following two elements:

7 (1) An academic assistance element that shall include, but
8 need not be limited to, preparation for the high school exit
9 examination, tutoring, homework assistance, or college
10 preparation, including information about the Cal Grant Program
11 established pursuant to Article 3 (commencing with Section
12 69530) of Chapter 2 of Part 42. This element shall prioritize
13 preparing pupils to pass the high school exit examination for
14 public school programs. The assistance shall be aligned with the
15 regular academic programs of the pupils.

16 (2) An educational enrichment element that may include, but
17 need not be limited to, community service, career and technical
18 education, job readiness, opportunities for mentoring and tutoring
19 younger pupils, service learning, fine arts, computer and career
20 technology training, physical fitness, and recreation activities.

21 (c) A program shall operate a minimum of 15 hours per week.

22 (d) An entity may operate programs on one or multiple sites. If
23 an entity plans to operate programs at multiple sites, only one
24 application is required.

25 (e) A program may operate on a schoolsite or on another site
26 approved by the department during the grant application process.
27 A program located off school grounds shall not be approved,
28 unless both of the following criteria are met:

29 (1) Safe transportation is available to transport participating
30 pupils if necessary.

31 (2) The program is at least as available and accessible as
32 ~~similar~~ programs conducted on schoolsites.

33 (f) Applicants for grants pursuant to this article shall ensure
34 that all of the following requirements are fulfilled, if applicable:

35 (1) *The application includes a description of the manner in*
36 *which the academic assistance element will be incorporated into*
37 *the program.* Applicants agree to incorporate the required
38 elements into the program.

39 (2) The application includes an estimate of the following:

1 (A) The number of pupils expected to attend the program on a
2 regular basis.

3 (B) The average hours of attendance per pupil.

4 (C) The percentage of pupils expected to attend the program
5 less than three days a week, three days a week, and more than
6 three days a week, for each quarter or semester during the grant
7 period.

8 (3) The application documents the commitments of each
9 partner to operate a program at a location or locations that are
10 safe and accessible to participating pupils.

11 *(4) The application demonstrates that pupils were involved in*
12 *the design of the program and describes the extent of that*
13 *involvement.*

14 ~~(4)–~~

15 (5) The application identifies federal, state, and local programs
16 that will be combined or coordinated with the high school after
17 school program for the most effective use of public resources,
18 and describes a plan for implementing the high school after
19 school program beyond federal grant funding.

20 ~~(5)–~~

21 (6) The application has been approved by the school district *or*
22 *other governing body, as applicable*, and the principal of each
23 participating school for each schoolsite or other site.

24 ~~(6)–~~

25 (7) The application includes a certification that the applicant
26 has complied with the requirement in subdivision (b) of Section
27 8422.

28 ~~(7)–~~

29 (8) The application includes a certification that each applicant
30 or partner in the application agrees to do all of the following:

31 (A) Assume responsibility for the quality of the program.

32 (B) Follow all fiscal reporting and auditing standards required
33 by the department.

34 (C) Provide information to the department for the purpose of
35 program evaluation pursuant to Section 8427.

36 (D) Acknowledge that program evaluations will be based upon
37 both of the following:

38 (i) The percentage of public school pupils attending the
39 program that pass the high school exit examination.

40 (ii) Pupil participation levels.

1 ~~(8)–~~

2 (9) Certify that the applicant has complied with all federal
3 requirements in preparing and submitting the application.

4 (g) The department shall not establish minimum attendance
5 requirements for individual pupils.

6 SEC. 2. Section 8421.5 is added to the Education Code, to
7 read:

8 8421.5. (a) (1) The department shall provide notice to all
9 schools eligible for grants under this article of the availability of
10 those grants as well as the process for making application.

11 (2) The department shall make the application available
12 though its Internet Web site. The department shall periodically
13 *competitively* review the applications for funding on dates
14 determined by the department.

15 (b) The department shall review all applications solely for
16 their inclusion of the requirements of subdivision-~~(d)~~ (b) of
17 Section 8421.

18 (c) (1) The Advisory Committee on Before and After School
19 Programs shall make recommendations to the department on
20 reporting requirements for program evaluation and review
21 consistent with Section 8427 not later than March 1, 2007.

22 (2) The department shall review those recommendations and
23 present them, *along with the recommendations of the department,*
24 ~~to the State Board of Education~~ *state board* not later than May 1,
25 2007.

26 (3) The State Board shall adopt requirements for program
27 evaluation and review not later than August 1, 2007.

28 SEC. 3. Section 8422 of the Education Code is amended to
29 read:

30 8422. (a) Priority for funding pursuant to this article shall be
31 given to programs that serve pupils attending a school whose
32 most recent score on the Academic Performance Index ranks the
33 school in the lowest three deciles.

34 (b) A program established pursuant to this article shall be
35 planned through a collaborative process that includes parents,
36 pupils, representatives of participating schools, governmental
37 agencies, including city and county parks and recreation
38 departments, community organizations, law enforcement, and, if
39 appropriate, the private sector.

1 (c) A program established pursuant to this article is not
2 required to charge family fees or to conduct individual eligibility
3 determination based on need or income.

4 (d) A program established pursuant to this article shall have
5 the option of operating under either of the following modes:

6 (1) After school only.

7 (2) After school and during any combination of before school,
8 weekends, summer, intersession, and vacation.

9 SEC. 4. Section 8423 of the Education Code is repealed.

10 SEC. 5. Section 8423 is added to the Education Code, to read:

11 8423. To the extent possible, the selection of applicants by
12 the department shall result in an equitable distribution of grant
13 awards to applicants in northern, southern, and central California,
14 and in urban, suburban, and rural areas of the state.

15 SEC. 6. Section 8425 of the Education Code is amended to
16 read:

17 8425. The department shall implement this program only to
18 the extent that federal funds are appropriated by the Legislature
19 for purposes of the program. It is the intent of the Legislature that
20 available federal funds be appropriated annually for the program
21 established pursuant to this article, through the annual Budget
22 Act.

23 (a) Of the funds appropriated for the program in the first year,
24 two hundred fifty thousand dollars (\$250,000) shall be allocated
25 to the department to conduct a three-year evaluation of the
26 programs established pursuant to this article and to make
27 recommendations for future program expansion.

28 (b) The department may spend up to 3 percent of the funds
29 appropriated for purposes of this article to provide training by
30 qualified and experienced personnel, to convene regular meetings
31 among grantees, and to ensure quality program implementation
32 and sustainability, including unscheduled site visits.

33 SEC. 7. Section 8426 of the Education Code is amended to
34 read:

35 8426. (a) (1) A grantee that establishes a program pursuant
36 to this chapter is eligible to receive a five-year grant of up to two
37 hundred fifty thousand dollars (\$250,000) per year per ~~program~~
38 *school site*, subject to semi-annual reporting. Funding for a grant
39 shall be ~~allocated~~ *awarded* in annual increments for a period of

1 not more than five years, contingent upon the availability and
2 appropriation of federal funds by the Legislature for those grants.

3 (2) The department shall notify new grantees in writing no
4 later than June 15 of each year in which new grants are awarded.
5 The grantee shall notify the department in writing of its
6 acceptance of the grant.

7 (3) A first year grant award shall be made no later than 60
8 days after enactment of the annual Budget Act and any
9 authorizing legislation. A grant award for the second and
10 subsequent fiscal years shall be made no later than 30 days after
11 enactment of the annual Budget Act and any authorizing
12 legislation.

13 (b) The department shall allocate *25 percent of* the first year
14 grant amount no later than 30 days after the grantee submits the
15 grant award acceptance letter to the department. For the second
16 and subsequent years of the grant, the department shall allocate
17 *25 percent of* the annual grant amount for that year no later than
18 30 days after the annual Budget Act becomes effective.

19 (c) Notwithstanding subdivision (b) *or any other provision of*
20 *law*, during the 2006–07 fiscal year, the department shall allocate
21 *25 percent of* first-year grants not later than 60 days after the
22 grantee submits the grant award acceptance letter to the
23 department. For the second and subsequent years of the grant, the
24 department shall allocate *25 percent of* the grant for that year not
25 later than 60 days after the annual Budget Act becomes effective.

26 (d) (1) Not more than 15 percent of each annual grant amount
27 may be used by a grantee for administrative costs. For purposes
28 of this article, administrative costs shall include indirect costs.
29 Indirect costs may not exceed the lesser of the following:

30 (A) The grantee's indirect cost rate, as approved by the
31 department for the appropriate fiscal year.

32 (B) Five percent of the state program funding received
33 pursuant to this article.

34 (2) In addition to the funding allowed for administrative costs
35 pursuant to paragraph (1), up to 15 percent of the first annual
36 grant award for each core grant recipient may be utilized for
37 startup costs.

38 (3) Funding made available pursuant to this subdivision shall
39 not result in an increase in the total funding of a grantee above
40 the approved grant amount.

1 (e) (1) The department shall adjust the grant level of any
2 school within the program that is unable to attain its proposed
3 attendance level by more than 10 percent in each of two
4 consecutive years.

5 (2) In any year that the actual attendance level of a school
6 within the program falls below 75 percent of the proposed
7 attendance level, the department shall perform a review of the
8 program and adjust the grant level as the department deems
9 appropriate.

10 (3) Notwithstanding paragraph (2) or any other provision of
11 law, the department may terminate the grant of any school within
12 the program in which the actual attendance level falls below 75
13 percent of the proposed attendance level in any grant year.

14 (4) Notwithstanding any other provision of this subdivision or
15 other provision of law, the department may at any time terminate
16 the grant of any school within a public school program that
17 ~~consistently~~ fails, *in three consecutive years*, to improve pupil
18 achievement as measured by the percentage of participating
19 pupils who pass the high school exit examination.

20 (5) The administrator of a program may supplement, but not
21 supplant existing funding for after school programs with grant
22 funds awarded pursuant to this article.

23 (6) All state funding awarded to a program pursuant to this
24 article that remains after subtracting the administrative and
25 startup costs authorized under subdivision (d) shall be allocated
26 to the program site for direct services to pupils.

27 SEC. 8. Section 8427 of the Education Code is amended to
28 read:

29 8427. (a) A high school after school program established
30 pursuant to this article shall submit to the department annual
31 outcome-based data for evaluation, including research-based
32 indicators of program quality and outcome measures including,
33 but not limited to, passage rates of the participating public school
34 pupils on the high school exit examination, graduation rates to
35 the extent possible, school attendance, and positive behavioral
36 changes.

37 (b) A program shall also submit semiannual attendance data
38 results to the department to facilitate evaluation and compliance
39 with the grant program requirements.

1 (c) A program also shall report all of the following, at a
2 minimum, two times annually:

3 (1) The number of pupils served on a regular basis and the
4 extent of pupil participation.

5 (2) The average hours of attendance per pupil.

6 (3) The percentage of pupils that attend the program less than
7 three days a week, three days a week, and more than three days a
8 week.

9 (4) The extent to which the program attracts pupils considered
10 at risk or in need of academic support.

11 SEC. 9. Section 8428 of the Education Code is amended to
12 read:

13 8428. (a) The department shall order an independent
14 evaluation of the program funded pursuant to this article to be
15 prepared and submitted to the Legislature. The evaluation shall
16 include a comparison of outcomes for participating pupils and
17 similarly situated pupils who did not participate in a program. An
18 interim evaluation shall be submitted to the Legislature 180 days
19 after the completion of the second year of the program, and a
20 final evaluation shall be submitted 180 days after the completion
21 of the third year of the program.

22 (b) (1) The department shall contract for a statewide
23 evaluation of the effectiveness of after school programs under
24 this article. A preliminary report shall be submitted to the
25 Governor and the Legislature on or before October 1, 2009,
26 providing baseline data that includes, but need not be limited to,
27 all of the following:

28 (A) The participation rates of local educational agencies,
29 including a regional analysis.

30 (B) The attendance rates of pupils.

31 (C) The number of sites participating in the program.

32 (D) Local partnerships.

33 (E) The high school exit examination passage rates of pupils
34 participating in a public school program.

35 (2) A final report shall be submitted to the Governor and the
36 Legislature on or before October 1, 2012. The final report shall
37 include, but need not be limited to, all of the following:

38 (A) Updated data on the measures specified in paragraph (1).

39 (B) The prevalence and frequency of activities included in
40 funded programs.

1 SEC. 10. Section 8482.3 of the Education Code is amended to
2 read:

3 8482.3. (a) The After School Education and Safety Program
4 shall be established to serve pupils in kindergarten and grades 1
5 to 9, inclusive, at participating public elementary, middle, junior
6 high, and charter schools.

7 (b) A program may operate a before school component of a
8 program, an after school component, or both the before and after
9 school components of a program, on one or multiple schoolsites.
10 If a program operates at multiple schoolsites, only one
11 application is required for its establishment.

12 (c) Each component of a program established pursuant to this
13 article shall consist of the following two elements:

14 (1) An educational and literacy element in which tutoring or
15 homework assistance is provided in one or more of the following
16 areas: language arts, mathematics, history and social science,
17 computer training, or science. This element shall give highest
18 priority to improving reading skills and attaining English
19 language proficiency.

20 (2) An educational enrichment element, which may include,
21 but need not be limited to, fine arts, career technical education,
22 recreation, physical fitness, and prevention activities.
23 Notwithstanding any other provision of this article, the majority
24 of the time of participation by a pupil who is in kindergarten or
25 any of grades 1 to 8 9, inclusive, *pursuant to subdivision (a)*, in a
26 career technical education element of a program shall physically
27 take place at a schoolsite described in subdivision (a) of *Section*
28 *8484.6*.

29 (d) Applicants shall agree that snacks made available through
30 a program shall conform to the nutrition standards in Article 2.5
31 (commencing with Section 49430) of Chapter 9 of Part 27.

32 (e) Applicants for programs established pursuant to this article
33 may include any of the following:

34 (1) A local educational agency, including, ~~but not limited to,~~ a
35 charter school, the California School for the Deaf, Northern
36 California, the California School for the Deaf, Southern
37 California, and the California School for the Blind.

38 (2) A city, county, or nonprofit organization in partnership
39 with, and with the approval of, a local educational agency or
40 agencies.

1 (f) Applicants for grants pursuant to this article shall ensure
2 that each of the following requirements is fulfilled, if applicable:

3 (1) The application documents the commitments of each
4 partner to operate a program on that site or sites.

5 (2) The application has been approved by the school district
6 and the principal of each participating school for each schoolsite
7 or other site.

8 (3) Each partner in the application agrees to share
9 responsibility for the quality of the program.

10 (4) The application designates the public agency or local
11 educational agency partner to act as the fiscal agent. For purposes
12 of this section, “public agency” means only a county board of
13 supervisors or if the city is incorporated or has a charter, a city
14 council.

15 *(5) The application shall identify the targeted number of*
16 *pupils to be served by the program.*

17 ~~(5)–~~

18 (6) Applicants agree to follow all fiscal reporting and auditing
19 standards required by the department.

20 ~~(6)–~~

21 (7) Applicants agree to incorporate into the program both of
22 the elements required under subdivision (c).

23 ~~(7)–~~

24 (8) Applicants agree to provide information to the department
25 for the purpose of program evaluation pursuant to Section
26 8483.55.

27 ~~(8)–~~

28 (9) Applicants shall submit a written statement acknowledging
29 that program evaluations will be based upon both of the
30 following:

31 ~~(A) Test–Pupil test scores from–assessments–administered~~
32 ~~under the Standardized Testing and Reporting Program~~
33 ~~established under Section 60640, reflecting–a–pupil’s the~~
34 ~~achievement of pupils participating in the program in the areas~~
35 ~~addressed by the required program elements, if–that–assessment~~
36 ~~assessments–program has have been established in–the that area.~~

37 (B) Actual pupil participation levels, compared to targeted
38 levels of pupil participation.

39 (9) The application states the targeted number of pupils to be
40 served by the program.

(g) An application shall be required only upon the first request for funding. Grant awards shall be automatically renewed at the same level, unless adjusted or terminated pursuant to Section 8483.7, or discontinued or reduced upon the request of the grantee.

SEC. 11. Section 8482.4 is added to the Education Code, to read:

8482.4. (a) The department shall review applications submitted under this article to determine whether the applicable requirements in subdivision (e) of Section 8482.3 have been fulfilled.

(b) The department shall use the per-pupil rates established under subparagraph (B) of paragraph (1) of subdivision (d) of Section 8483.7 and the targeted number of pupils to be served, as established under paragraph (9) of subdivision (f) of Section 8482.3, to determine the appropriate grant amount.

(c) The department shall allocate funding for a grant on an annual basis not later than 30 days after the date the grantee submits the grant award acceptance letter to the department, except that during the 2006–07 fiscal year, the department shall allocate grants not later than 60 days after the date the Budget Act of 2006 becomes effective.

(d) The Advisory Committee on Before and After School Programs shall make recommendations on reporting requirements for program evaluation and review consistent with subdivision (b) of Section 8483.55 to the department not later than June 30, 2006. The department shall review the committee's recommendations and present them, along with the department's recommendations, to the state board not later than September 30, 2006. The state board shall adopt requirements for program evaluation and review not later than November 30, 2006.

(e) (1) The department shall provide notice to all schools eligible for grants under this article regarding the availability of those grants and the process for making an application.

(2) The department shall make the application available through its Internet Web site. The department shall determine the dates by which applications will be periodically considered for funding.

SEC. 12. Section 8482.5 of the Education Code, as amended by Chapter 320 of the Statutes of 1998, is repealed.

1 SEC. 13. Section 8482.5 of the Education Code, as amended
2 by Chapter 320 of the Statutes of 1998, is repealed.

3 SEC. 14. Section 8482.5 of the Education Code, as amended
4 by November 5, 2002, by initiative Proposition 49, Section 7, is
5 amended to read:

6 8482.5. (a) Priority for funding programs established
7 pursuant to this article shall be given to schools where a
8 minimum of 50 percent of the pupils in elementary schools and
9 50 percent of the pupils in middle and junior high schools are
10 eligible for free or reduced-cost meals through the school lunch
11 program of the United States Department of Agriculture.

12 (b) Every program established pursuant to this article shall be
13 planned through a collaborative process that includes parents,
14 youth, and representatives of participating public schools,
15 governmental agencies, such as city and county parks and
16 recreation departments, local law enforcement, community
17 organizations, and the private sector.

18 SEC. 15. Section 8482.55 of the Education Code is amended
19 to read:

20 8482.55. (a) To accomplish the purposes of the After School
21 Education and Safety Program, commencing with the fiscal year
22 beginning July 1, 2004, and for each fiscal year thereafter, all
23 grants made pursuant to this article shall be awarded as set forth
24 in this section.

25 (b) (1) Grants made to public schools pursuant to this article
26 for the 2003–04 fiscal year shall continue to be funded in each
27 subsequent fiscal year at the 2003–04 fiscal year level before any
28 other grants are funded under this article, provided such schools
29 continue to be otherwise qualified pursuant to this article.
30 Receipt of a grant at the 2003–04 fiscal year level made pursuant
31 to this subdivision shall not affect a school’s eligibility for
32 additional grant funding as permitted in subdivisions (c) and (d)
33 up to the maximum grants permitted in Sections 8483.7 and
34 8483.75.

35 (2) A grantee funded ~~under pursuant to~~ Section 8484.8 ~~may~~
36 ~~apply for a grant shall be permitted to instead elect to receive~~
37 ~~funding under this article to fund a program that was formerly~~
38 ~~funded under Section 8484.8. That application shall be funded~~
39 before any new grant is funded under this article, if the program
40 is otherwise qualified under this article. ~~The Notwithstanding the~~

1 *maximum grant amounts permitted in Sections 8483.7 and*
2 *8483.75, the grantee shall receive the same amount of core grant*
3 *funding that it received pursuant to subparagraph (A) or (B) of*
4 *paragraph (1) of subdivision (g) of Section 8484.8 in the fiscal*
5 *year prior to the year for which the applicant grantee requests*
6 *funding under this article. The grantee shall apply to the*
7 *department for funding under this paragraph instead, elect to*
8 *receive funding under this article on or before a date established*
9 *by the department that is prior to the date by which the*
10 *department awards new grants under this article.*

11 (c) Every public elementary, middle, and junior high school in
12 the state shall be eligible to receive a grant for after school
13 programs to be operated during the regular school year, as
14 provided in subparagraph (A) of paragraph (1) of subdivision (a)
15 of Section 8483.7. Except as provided in this subdivision, grants
16 for after school programs made pursuant to this subdivision shall
17 be subject to all other sections of this article. Grants for after
18 school programs made pursuant to this subdivision shall not
19 exceed one hundred twelve thousand five hundred dollars
20 (\$112,500) for each regular school year for each elementary
21 school or one hundred fifty thousand dollars (\$150,000) for each
22 regular school year for each middle or junior high school.
23 Notwithstanding subdivision (a) of Section 8482.5 and except as
24 provided in subdivision (f), priority for grants under this
25 subdivision shall be given to recipients of grants received prior to
26 July 2006 pursuant to Section 8484.8 which transfer to the After
27 School Education and Safety Program pursuant to paragraph (2)
28 of subdivision (b). Receipt of a grant for an after school program
29 made pursuant to this subdivision shall not affect a school's
30 eligibility for additional grant funding as permitted in subdivision
31 (d) up to the maximum grants permitted in Sections 8483.7 and
32 8483.75. Grants made pursuant to this subdivision shall be
33 funded after grants made pursuant to subdivision (b) and before
34 any grants made pursuant to subdivision (d). Grants made
35 pursuant to this subdivision shall be referred to as "After School
36 Education and Safety Universal Grants."

37 (d) All funds remaining from the appropriation provided in
38 Section 8483.5 after award of grants pursuant to subdivisions (b)
39 and (c) shall be distributed pursuant to Sections 8483.7 and
40 8483.75. Grants for programs made pursuant to this subdivision

1 shall be subject to all other sections of this article. Priority for
2 grants for programs made pursuant to this subdivision shall be
3 established pursuant to subdivision (a) of Section 8482.5.

4 (e) No school shall receive grants in excess of the amounts
5 provided in Sections 8483.7 and 8483.75.

6 (f) In the event that in any fiscal year the appropriation made
7 pursuant to Section 8483.5 shall be insufficient to fund all
8 eligible schools who make application for After School
9 Education and Safety Universal Grants pursuant to subdivision
10 (c), priority for After School Education and Safety Universal
11 Grants shall be established pursuant to subdivision (a) of Section
12 8482.5 and Section 8483.3.

13 SEC. 16. Section 8482.8 of the Education Code is amended to
14 read:

15 8482.8. (a) In addition to the authority to transfer funds
16 among school programs pursuant to Sections 8483.7 and
17 8483.75, a program grantee that is temporarily prevented from
18 operating a program established pursuant to this article at the
19 program site due to natural disaster, civil unrest, or imminent
20 danger to pupils or staff, shall make reasonable efforts to serve
21 those pupils or an equivalent number of pupils at an alternative
22 program site operated by the grantee, and may shift program
23 funds to the sites of other programs for this purpose.

24 (b) If a program grantee is temporarily prevented from
25 operating its entire program due to natural disaster, civil unrest,
26 or imminent danger to pupils or staff, the department may
27 recommend, and the state board may approve, a request by the
28 grantee for payment equal to the amount of funding the grantee
29 would have received if it had been able to operate its entire
30 program during that time period.

31 (c) Upon the request of a program grantee, the state board may
32 approve other unforeseen events as qualifying a program grantee
33 to use the authority provided by subdivisions (a) and (b).

34 SEC. 17. Section 8483 of the Education Code is amended to
35 read:

36 8483. (a) (1) Every after school component of a program
37 established pursuant to this article shall commence immediately
38 upon the conclusion of the regular schoolday, and operate a
39 minimum of 15 hours per week, and at least until 6 p.m. on every
40 regular schoolday. Every after school component of the program

1 shall establish a policy regarding reasonable early daily release of
2 pupils from the program. For those programs or schoolsites
3 operating in a community where the early release policy does not
4 meet the unique needs of that community or school, or both,
5 documented evidence may be submitted to the department for an
6 exception and a request for approval of an alternative plan.

7 (2) It is the intent of the Legislature that elementary school
8 pupils participate in the full day of the program every day during
9 which pupils participate and that pupils in middle school or
10 junior high school attend a minimum of nine hours a week and
11 three days a week to accomplish program goals.

12 (3) In order to develop an age-appropriate after school
13 program for pupils in middle school or junior high school,
14 programs established pursuant to this article may implement a
15 flexible attendance schedule for those pupils. Priority for
16 enrollment of pupils in middle school or junior high school shall
17 be given to pupils who attend daily.

18 (b) The administrators of a program established pursuant to
19 this article have the option of operating during any combination
20 of summer, intersession, or vacation periods for a minimum of
21 three hours per day for the regular school year pursuant to
22 Section 8483.7.

23 SEC. 18. Section 8483.1 of the Education Code is amended to
24 read:

25 8483.1. (a) (1) Every before school program component
26 established pursuant to this article shall commence operation at
27 or before 6 a.m. on every regular schoolday or two hours before
28 the commencement of the regular schoolday. A program may
29 operate less than two hours per regular schoolday, but in no
30 instance shall a program operate for less than one and one-half
31 hours per regular schoolday. Every program shall establish a
32 policy regarding reasonable late daily arrival of pupils to the
33 program.

34 (2) (A) It is the intent of the Legislature that elementary
35 school pupils participate in the full day of the program every day
36 during which pupils participate and that pupils in middle school
37 or junior high school attend a minimum of six hours a week and
38 three days a week to accomplish program goals, except when
39 arriving late in accordance with the late arrival policy described
40 in paragraph (1) or as reasonably necessary.

1 (B) A pupil who attends less than one-half of the daily
2 program hours shall not be counted for the purposes of
3 attendance.

4 (3) In order to develop an age-appropriate before school
5 program for pupils in middle school or junior high school,
6 programs established pursuant to this article may implement a
7 flexible attendance schedule for those pupils. Priority for
8 enrollment of pupils in middle school or junior high school shall
9 be given to pupils who attend daily.

10 (b) The administrators of a before school program established
11 pursuant to this article shall have the option of operating during
12 any combination of summer, intersession, or vacation periods for
13 a minimum of two hours per day for the regular school year
14 pursuant to Section 8483.75.

15 SEC. 19. Section 8483.2 of the Education Code is amended to
16 read:

17 8483.2. Notwithstanding any other provision of this article,
18 any program electing to operate both a before and after school
19 component for the same pupils during summer, intersession, or
20 vacation periods must operate these programs a minimum of five
21 hours per day.

22 SEC. 20. Section 8483.25 of the Education Code is repealed.

23 SEC. 21. Section 8483.3 of the Education Code, as added by
24 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

25 SEC. 22. Section 8483.3 of the Education Code, as added by
26 Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

27 SEC. 23. Section 8483.3 of the Education Code, as amended
28 by Section 2 of Chapter 353 of the Statutes of 2005, is repealed.

29 SEC. 24. Section 8483.3 is added to the Education Code, to
30 read:

31 8483.3. To the extent possible, the selection of applicants by
32 ~~the State Department of Education~~ *department* shall result in an
33 equitable distribution of grant awards pursuant to Section 8483.7
34 to applicants in northern, southern, and central California, and in
35 urban, suburban, and rural areas of California.

36 SEC. 25. Section 8483.4 of the Education Code is amended to
37 read:

38 8483.4. The administrator of every program established
39 pursuant to this article shall establish qualifications for each staff
40 position that, at a minimum, ensure that all staff members who

1 directly supervise pupils meet the minimum qualifications for an
2 instructional aide, pursuant to the policies of the school district.
3 Selection of the program site supervisors shall be subject to the
4 approval of the schoolsite principal. The administrator shall also
5 ensure that the program maintains a pupil-to-staff member ratio
6 of no more than 20 to 1. All program staff and volunteers shall be
7 subject to the health screening and fingerprint clearance
8 requirements in current law and district policy for school
9 personnel and volunteers in the school district.

10 SEC. 26. Section 8483.55 of the Education Code is repealed.

11 SEC. 27. Section 8483.55 is added to the Education Code, to
12 read:

13 8483.55. (a) From the funds appropriated pursuant to
14 subdivision (b) of Section 8483.5, the department shall be
15 allocated funds through the annual Budget Act to cover
16 evaluation costs and pay the department's costs of awarding and
17 monitoring grants.

18 (b) The department shall enter into a contract for a state-wide
19 evaluation of the effectiveness of before and after school
20 programs. A preliminary report shall be submitted to the
21 Governor and the Legislature not later than October 1, 2008,
22 providing baseline data that includes, but is not limited to, all of
23 the following:

24 (1) The participation rates of local educational agencies.

25 (2) The attendance rates of pupils in both the program and in
26 regular day school.

27 (3) The number of sites participating in the program.

28 (4) Local partnerships.

29 (5) The academic performance of participating pupils in
30 English, language arts, and mathematics, as measured by the
31 results ~~under~~ of the Standardized Testing and Reporting Program
32 established under Section 60640.

33 (6) The English language proficiency of participating pupils,
34 as measured by the English language development test
35 established under Section 60810.

36 (c) A final report shall be submitted to the Governor and the
37 Legislature not later than October 1, 2011. The final report shall
38 include, but not be limited to, all of the following:

39 (1) Updated data on the measures specified in subdivision (b),
40 including, but not limited to, changes in those measures.

1 (2) The prevalence and frequency of activities included in
2 funded programs.

3 SEC. 28. Section 8483.7 of the Education Code, as added by
4 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

5 SEC. 29. Section 8483.7 of the Education Code, as added by
6 Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

7 SEC. 30. Section 8483.7 of the Education Code, as amended
8 by Section 4 of Chapter 553 of the Statutes of 2005, is amended
9 to read:

10 8483.7. (a) (1) (A) Each school that establishes a program
11 pursuant to this article is subject to semiannual attendance
12 reporting.

13 (i) The department shall adjust the grant level of any school
14 within the program that is unable to attain its targeted attendance
15 level by more than 10 percent in each of two consecutive years.

16 (ii) In any year that the actual attendance level of a school
17 within the program falls below 75 percent of the target
18 attendance level, the department shall perform a review of the
19 program and adjust the grant level as the department deems
20 appropriate.

21 (iii) Notwithstanding any other provision of law, the
22 department may terminate the grant of any school within the
23 program in which the actual attendance level falls below 75
24 percent of the target attendance level in any grant year.

25 (iv) The department may terminate the grant of any school
26 within the program that fails for three consecutive years to
27 improve the achievement of participating pupils in English,
28 language arts, and mathematics, as measured under the
29 Standardized Testing and Reporting Program established under
30 Section 60640.

31 (v) For public schools, the department may terminate the grant
32 of any school within the program that fails to improve the
33 achievement of participating pupils in English language
34 proficiency for three consecutive years, as measured by the
35 English language development test established under Section
36 60810.

37 (vi) Academic improvement in English, language arts, and
38 mathematics may each be demonstrated using performance levels
39 from the Standardized Testing and Reporting Program by
40 compliance with any of the following:

1 (I) The grantee documents that the percentage of pupils
2 performing at the Far Below Basic level declined by a minimum
3 of 2 percent.

4 (II) The grantee documents that the percentage of pupils
5 performing above the Far Below Basic and Below Basic levels
6 increased by a minimum of 2 percent.

7 (III) The grantee documents that the percentage of pupils who
8 performed at or above the basic level increased by a minimum of
9 2 percent.

10 (IV) The grantee documents that pupils participating in the
11 program performed better in a year-to-year comparison of the
12 results of the Standardized Testing and Reporting Program than
13 their peers who were not participating in the program.

14 (B) Grant levels, and grant level adjustments performed under
15 subparagraph (A), shall be based upon either of the following, as
16 selected by the school:

17 (i) Up to seven dollars and fifty cents (\$7.50) per day per
18 pupil, if the program serves pupils in elementary, middle, or
19 junior high school.

20 (ii) Seven dollars and fifty cents (\$7.50) per pupil for each
21 three hours of pupil attendance, with a maximum total
22 reimbursement of thirty-seven dollars and fifty cents (\$37.50) per
23 pupil per week, if the program serves pupils in middle or junior
24 high school. To receive reimbursement pursuant to this
25 subparagraph, the program administrator shall apply to and
26 receive approval annually from the Superintendent. Approval by
27 the Superintendent shall be based on program results.

28 (C) The maximum total grant amount awarded annually
29 pursuant to this paragraph shall be one hundred twelve thousand
30 five hundred dollars (\$112,500) for each regular school year for
31 each elementary school and one hundred fifty thousand dollars
32 (\$150,000) for each regular school year for each middle or junior
33 high school.

34 (D) For large schools, the maximum total grant amounts
35 described in subparagraph (C) may be increased based on the
36 following formulas, up to a maximum amount of twice the
37 respective limits specified in subparagraph (C):

38 (i) For elementary schools, multiply one hundred thirteen
39 dollars (\$113) by the number of pupils enrolled at the schoolsite
40 for the normal schoolday program that exceeds 600.

1 (ii) For middle schools, multiply one hundred thirteen dollars
2 (\$113) by the number of pupils enrolled at the schoolsite for the
3 normal schoolday program that exceeds 900.

4 (E) The maximum total grant amounts set forth in
5 subparagraphs (C) and (D) may be increased from any funds
6 made available for this purpose in the annual Budget Act for
7 participating schools that have pupils on waiting lists for the
8 program. Grants may be increased by not more than 25 percent
9 of the otherwise applicable maximum total grant amount under
10 subparagraph (C) or (D).

11 (2) A school that establishes a program pursuant to this section
12 is eligible to receive a supplemental grant to operate the program
13 *in excess of 180 regular school days, or* during any combination
14 of summer, intersession, or vacation periods for a maximum of
15 the lesser of the following amounts:

16 (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

17 (B) Thirty percent of the total grant amount awarded to the
18 school per school year pursuant to subparagraph (C) or (D) of
19 paragraph (1).

20 (3) (A) Each program shall provide at least 33.3 percent cash
21 or in-kind local matching funds from the school district,
22 governmental agencies, community organizations, or the private
23 sector for each dollar received in grant funds. Neither facilities
24 nor space usage may fulfill the match requirement.

25 (B) Notwithstanding subparagraph (A), a program that is
26 unable to obtain all or any portion of the required match may use
27 facilities costs to fulfill the match requirement, if the grantee
28 provides a statement certified by the superintendent of the local
29 educational agency or his or her designee, or the appropriate
30 legal representative of the city or county, that identifies the
31 efforts undertaken to meet the match requirement.

32 (4) (A) The department may fund a program grantee for up to
33 125 percent of the maximum total grant amount for an individual
34 school, so long as the maximum total grant amount for all school
35 programs administered by the program grantee is not exceeded.

36 (B) A program grantee that transfers funds under
37 subparagraph (A) shall have an established waiting list for
38 enrollment, and may transfer only from another school program
39 that has met a minimum of 75 percent of its attendance goal.

(b) The administrator of an after school program component established pursuant to this article may supplement, but not supplant, existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those after school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

SEC. 31. Section 8483.75 of the Education Code is amended to read:

8483.75. (a) (1) (A) Every school that establishes a before school program component pursuant to this article is subject to semi-annual attendance reporting. (i) The department shall adjust the grant level of any school within the program that is unable to attain its targeted attendance level by more than 10 percent in each of two consecutive years.

(ii) In any year that the actual attendance level of a school within the program falls below 75 percent of the target attendance level, the department shall perform a review of the program and adjust the grant level as the department deems appropriate.

(iii) Notwithstanding any other provision of law, the department may terminate the grant of any school within the program in which the actual attendance level falls below 75 percent of the target attendance level.

~~(iv) The department may terminate the grant of any school within the program that consistently fails to improve pupil achievement of participating pupils in English, language arts, and mathematics, as measured under the Standardized Testing and Reporting Program.~~

~~(v) The department may terminate the grant of any school within the program that fails to improve the achievement of participating pupils in English language proficiency for three consecutive years, as measured by the English language development test established under Section 60810.~~

(iv) The department may terminate the grant of any school within the program that fails to demonstrate that at least 70

1 *percent of the participating pupils have either improved their*
2 *school day attendance from the previous year or maintained an*
3 *attendance level of at least 95 percent, and either of the*
4 *following:*

5 *(I) Improve, over three consecutive years, the achievement of*
6 *participating pupils in English, language arts, and mathematics,*
7 *as measured by the results of the Standardized Testing and*
8 *Reporting Program established under Section 60810.*

9 *(II) Improve, in at least one of the three consecutive years, the*
10 *achievement of participating pupils in English language*
11 *proficiency, as measured by the English language test*
12 *established under Section 60810.*

13 ~~(vi)–~~

14 (v) Academic improvement in English, language arts, and
15 mathematics may each be demonstrated using performance levels
16 from the Standardized Testing and Reporting Program by
17 compliance with any of the following:

18 (I) The grantee documents that the percentage of pupils
19 performing at the Far Below Basic level declined by a minimum
20 of 2 percent.

21 (II) The grantee documents that the percentage of pupils
22 performing above the Far Below Basic and Below Basic levels
23 increased by a minimum of 2 percent.

24 (III) The grantee documents that the percentage of pupils who
25 performed at or above the Basic level increased by a minimum of
26 2 percent.

27 (IV) The grantee documents that pupils participating in the
28 program performed better in a year-to-year comparison of the
29 results of the Standardized Testing and Reporting Program than
30 their peers who were not participating in the program.

31 (B) Grant levels, and grant level adjustments performed under
32 subparagraph (A), shall be based upon either of the following, as
33 selected by the school:

34 (i) Up to five dollars (\$5) per day per pupil for a two hour
35 program, if the program serves pupils in elementary, middle, or
36 junior high school. Per pupil rates shall be reduced on a prorated
37 basis for those programs which operate for less than two hours
38 per regular schoolday. The rate shall be determined by
39 multiplying 5.0 by the fraction represented by dividing the
40 minutes of operation per day by 120.

(ii) Five dollars (\$5) per pupil for each two hours of pupil attendance, with a maximum total of twenty-five dollars (\$25) per pupil per week, if the program serves pupils in middle or junior high school.

(C) The maximum total grant amount awarded annually pursuant to this paragraph shall be thirty-seven thousand five hundred dollars (\$37,500) for each regular school year for each elementary school and forty-nine thousand dollars (\$49,000) for each regular school year for each middle or junior high school.

(D) For large schools, the maximum total grant amounts described in subparagraph (C) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in subparagraph (C):

(i) For elementary schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(ii) For middle schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(2) A school that establishes a program pursuant to this section is eligible to receive a supplemental grant to operate the program *in excess of 180 regular school days, or during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:*

(A) Five dollars (\$5) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to subparagraphs (C) ~~and~~ or (D) of paragraph (1).

(3) (A) Each program shall provide at least 33.3 percent cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.

(B) Notwithstanding subparagraph (A), a program that is unable to obtain all or any portion of the required match may use facilities costs to fulfill the match requirement, if the grantee provides a statement certified by the superintendent of the local educational agency or his or her designee, or the appropriate legal representative of the city or county, that identifies the efforts undertaken to meet the match requirement.

1 (4) (A) The department may fund a program grantee for up to
2 125 percent of the maximum total grant amount for an individual
3 school, so long as the maximum total grant amount for all school
4 programs administered by the program grantee is not exceeded.

5 (B) A program grantee that transfers funds under subparagraph
6 (A) shall have an established waiting list for enrollment, and may
7 transfer only from another school program that has met a
8 minimum of 75 percent of its attendance goal.

9 (b) The administrator of a before school program component
10 established pursuant to this article may supplement, but not
11 supplant, existing funding for before school programs with grant
12 funds awarded pursuant to this article. State categorical funds for
13 remedial education activities are not eligible as matching funds
14 for those before school components.

15 (c) Up to 15 percent of the initial year's grant amount for each
16 grant recipient may be utilized for startup costs. Under no
17 circumstance shall funding for startup costs result in an increase
18 in the grant recipient's total funding above the approved grant
19 amount.

20 SEC. 32. Section 8483.8 of the Education Code is repealed.

21 SEC. 33. Section 8483.9 of the Education Code, as added by
22 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

23 SEC. 34. Section 8483.9 of the Education Code, as added by
24 Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

25 SEC. 35. Section 8483.9 of the Education Code, as amended
26 by Section 6 of Chapter 553 of the Statutes of 2005, is amended
27 to read:

28 8483.9. (a) A grantee receiving funding pursuant to this
29 article may expend on indirect costs no more than the lesser of
30 the following:

31 (1) The grantee's indirect cost rate, as approved by the
32 department for the appropriate fiscal year.

33 (2) Five percent of the state program funding received
34 pursuant to this article.

35 (b) A grantee receiving state funding pursuant to this article
36 may expend no more than 15 percent of that funding on
37 administrative costs. For purposes of this section, administrative
38 costs shall include indirect costs, as described in subdivision (a).

(c) A grantee receiving state funding pursuant to this program shall ensure that no less than 85 percent of that funding is allocated to schoolsites for direct services to pupils.

SEC. 36. Section 8484 of the Education Code is repealed.

SEC. 37. Section 8484.5 of the Education Code, as added by Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

SEC. 38. Section 8484.5 of the Education Code, as added by Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

SEC. 39. Section 8484.5 of the Education Code, as added by Section 2 of Chapter 320 of the Statutes of 1998, is repealed.

SEC. 40. Section 8484.6 of the Education Code is amended to read:

8484.6. (a) Programs established pursuant to this article may be conducted upon the grounds of a community park, recreational facility, or other site, as approved by the department in the grant application process. Offsite programs shall align the educational and literacy element of the program with participating pupils' regular school programs. A program located off school grounds shall not be approved, unless safe transportation is provided to the pupils enrolled in the program. Any reference to schoolsite as a physical location in this article shall mean schoolsite or other site as provided by this section.

(b) An offsite program conducted pursuant to this section shall comply with all statutory and regulatory requirements that are applicable to similar programs conducted on the schoolsite.

SEC. 41. Section 8484.7 of the Education Code is amended to read:

8484.7. It is the intent of the Legislature that the 21st Century Community Learning Centers program contained within the federal No Child Left Behind Act of 2001 (P.L. 107-110) complement the After School Education and Safety Program established by Article 22.5 (commencing with Section 8482).

SEC. 42. Section 8484.75 of the Education Code is amended to read:

8484.75. The requirements of the After School Education and Safety Program described in Article 22.5 (commencing with Section 8482), apply to the program established by this article, with the following exceptions, as applicable:

(a) Sections 8482.5, 8482.55, 8483.5, 8483.55, and 8483.6 do not apply to this article.

1 (b) Any provision of Article 22.5 (commencing with Section
2 8482) that is in conflict with, or duplicative of, any provision of
3 this article.

4 (c) Any provision that is in conflict with applicable federal law
5 or regulations.

6 SEC. 43. Section 8484.8 of the Education Code is amended to
7 read:

8 8484.8. (a) In accordance with Part B of Title IV of the
9 federal No Child Left Behind Act of 2001 (P.L. 107-110), funds
10 may be appropriated for the following purposes in the annual
11 Budget Act:

12 (1) Support for the department for the purposes of awarding
13 and monitoring grants for programs under this article.

14 (2) Contractual services to provide technical assistance,
15 evaluation, and training services for programs under this article.

16 (3) (A) Access grants, in an amount not to exceed twenty-five
17 thousand dollars (\$25,000) per site, per year, for community
18 learning center programs that serve middle and elementary
19 school pupils to provide equitable access to, and participation in,
20 community learning center programs, according to needs
21 determined by the local community.

22 (B) The department shall determine the eligibility
23 requirements for a grant under this paragraph, consistent with the
24 following:

25 (i) Consistent with the local partnership approach inherent in
26 Article 22.5 (commencing with Section 8482), grants awarded
27 under this paragraph shall provide supplemental assistance to
28 programs. It is not intended that a grant fund the full anticipated
29 costs of the services provided by a community learning center
30 program.

31 (ii) The department shall base its determination on a needs
32 assessment and a determination that existing resources are not
33 available to meet these needs, including, but not limited to, a
34 description of how the needs, strengths, and resources of the
35 community have been assessed, currently available resources,
36 and the justification for additional resources for that purpose.

37 (iii) The department shall award grants for a specific purpose,
38 as justified by the applicant.

39 (C) To be eligible to receive a grant under this paragraph, the
40 designated public agency representative for the applicant shall

1 certify that an annual fiscal audit will be conducted and that
2 adequate, accurate records will be kept. In addition, each
3 applicant shall provide the department with the assurance that
4 funds received under this paragraph are expended only for those
5 services and supports for which they are granted. The department
6 shall require grant recipients to submit ~~annual budget~~ *quarterly*
7 *expenditure* reports, and the department may withhold funds in
8 subsequent years if access grant funds are expended for purposes
9 other than as awarded.

10 (4) Literacy grants of up to twenty thousand dollars (\$20,000)
11 per site, per year, for providing family literacy services only to
12 those schoolsites that identify such a need for families of 21st
13 Century Community Learning Center program pupils, and that
14 demonstrate a fiscal hardship by certifying that existing resources
15 including, but not limited to, funding for Title III of the No Child
16 Left Behind Act of 2001, Chapter 3 (commencing with Section
17 300) of Part 1, adult education, community college, and the
18 federal Even Start Program are not available or are insufficient to
19 serve these families. An assurance that the funds received under
20 this paragraph are expended only for those services and supports
21 for which they were granted shall be required. The department
22 shall require grant recipients to submit ~~annual budget~~ *quarterly*
23 *expenditure* reports, and the department may withhold funds in
24 subsequent years if literacy grant funds are expended for
25 purposes other than as granted.

26 (5) Core grants allocated on a priority basis to community
27 learning center programs serving high school pupils under
28 Article 19 (commencing with Section 8420), and then to
29 programs serving middle and elementary school pupils.

30 (b) Grant awards under this section shall be restricted to those
31 applications that propose primarily to serve pupils that attend
32 schoolwide programs, as described in Title I of the No Child Left
33 Behind Act of 2001. Competitive priority shall be given to
34 applications that propose to serve children and youth in schools
35 designated as being in need of improvement under subsection (b)
36 of Section 6316 of Title 20 of the United States Code, and that
37 are submitted consistent with federal law.

38 (c) (1) Core grants for programs serving middle and
39 elementary school pupils in before and after school programs
40 shall be allocated as follows:

(A) For after school programs, seven dollars and fifty cents (\$7.50) per pupil, per day, with a minimum grant of fifty thousand dollars (\$50,000) and a maximum grant of one hundred twelve thousand five hundred dollars (\$112,500) for each regular school year for each elementary school, and a maximum grant of one hundred fifty thousand dollars (\$150,000) for each regular school year for each middle or junior high school.

(B) For before school programs, five dollars (\$5) per pupil, per day, up to a maximum grant of thirty-seven thousand five hundred dollars (\$37,500) for each regular school year for each elementary school, and forty-nine thousand dollars (\$49,000) for each regular school year for each middle or junior high school.

(2) For an after school component of a program, the maximum total grant amount described in subparagraph (A) of paragraph (1) may be increased up to a maximum amount of twice the respective limits specified in that subparagraph, in accordance with the following:

(A) For elementary schools, one hundred thirteen dollars (\$113) per pupil, only for each pupil that exceeds 600 pupils enrolled at the schoolsite for the normal schoolday program.

(B) For middle schools, one hundred thirteen dollars (\$113) per pupil, only for each pupil that exceeds 900 pupils enrolled at the schoolsite for the normal schoolday program.

(3) For a before school component of a program, the maximum total grant amount described in subparagraph (B) of paragraph (1) may be increased up to a maximum amount of twice the respective limits specified in that subparagraph, in accordance with the following:

(A) For elementary schools, seventy-five dollars (\$75) per pupil, only for each pupil that exceeds 600 pupils enrolled at the schoolsite for the normal schoolday program.

(B) For middle schools, seventy-five dollars (\$75) per pupil, only for each pupil that exceeds 900 pupils enrolled at the schoolsite for the normal schoolday program.

(4) A school that establishes an after school component of a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Seven dollars and fifty cents (\$7.50) per day per pupil.

1 (B) Thirty percent of the total grant amount awarded to the
2 school per school year pursuant to this subdivision.

3 (5) A school that establishes a before school component of a
4 program pursuant to this article is eligible to receive a
5 supplemental grant to operate the program during any
6 combination of summer, intersession, or vacation periods for a
7 maximum of the lesser of the following amounts:

8 (A) Five dollars (\$5) per day per pupil.

9 (B) Thirty percent of the total grant amount awarded to the
10 school per school year pursuant to this subdivision.

11 (6) (A) The department may fund a program grantee for up to
12 125 percent of the maximum total grant amount for an individual
13 school, so long as the maximum total grant amount for all school
14 programs administered by the program grantee is not exceeded.

15 (B) A program grantee that transfers funds under
16 subparagraph (A) shall have an established waiting list for
17 enrollment and may transfer only from another school program
18 that has met a minimum of 75 percent of its attendance goal.

19 (7) (A) Funding for a grant shall be ~~allocated~~ awarded in
20 annual increments for a period not to exceed five years,
21 *contingent upon the availability of federal funds for those grants.*
22 The department shall notify new grantees, ~~whose grant awards~~
23 ~~are contingent upon the appropriation of funds for those grants,~~
24 in writing no later than June 15 of each year in which new grants
25 are awarded. *The grantee shall notify the department in writing*
26 *of its acceptance of the grant.* A first year grant award shall be
27 made no later than 60 days after enactment of the annual Budget
28 Act and any authorizing legislation. A grant award for the second
29 and subsequent fiscal years shall be made no later than 30 days
30 after enactment of the annual Budget Act and any authorizing
31 legislation. ~~The grantee shall notify the department in writing of~~
32 ~~its acceptance of the grant.~~

33 (B) For the first year of a grant, the department shall allocate
34 *25 percent of* the grant not later than 30 days after the grantee
35 submits the grant award acceptance letter to the department. For
36 the second and subsequent years of the grant, the department
37 shall allocate *25 percent of* the grant for that year not later than
38 30 days after the annual Budget Act becomes effective. The
39 grantee shall not use more than 15 percent of an annual grant for
40 administrative costs.

1 (C) Notwithstanding subparagraph (B), *or any other provision*
2 *of law*, during the 2006–07 fiscal year, the department shall
3 allocate *25 percent of* first-year grants not later than 60 days after
4 the grantee submits the grant award acceptance letter to the
5 department. For the second and subsequent years of the grant, the
6 department shall allocate *25 percent of* the grant for that year not
7 later than 60 days after the annual Budget Act becomes effective.
8 The grantee shall not use more than 15 percent of an annual grant
9 for administrative costs.

10 (D) In addition to the funding allowed for administrative costs
11 under subparagraph (B), up to 15 percent of the initial annual
12 grant award for each core grant recipient may be utilized for
13 startup costs.

14 (E) Under no circumstance shall funding made available
15 pursuant to subparagraphs (B), (C), ~~and~~ *or* (D) result in an
16 increase in the total funding of a grantee above the approved
17 grant amount.

18 (8) A grantee shall identify the federal, state, and local
19 programs that will be combined or coordinated with the proposed
20 program for the most effective use of public resources, and shall
21 prepare a plan for continuing the program beyond federal grant
22 funding.

23 (9) Every school that establishes a program under this article
24 is subject to semi-annual attendance and program evaluation
25 criteria reporting.

26 (A) The department shall adjust the grant level of any school
27 within the program that is unable to attain its targeted attendance
28 level by more than 10 percent in each of two consecutive years.

29 (B) In any year that the actual attendance level of a school
30 within the program falls below 75 percent of the target
31 attendance level, the department shall perform a review of the
32 program and adjust the grant level as the department deems
33 appropriate.

34 (C) Notwithstanding any other provision of law, the
35 department may terminate the grant of any school within the
36 program in which the actual attendance level falls below 75
37 percent of the target attendance level in any grant year.

38 ~~(D) The department may terminate the grant of any school~~
39 ~~within the program that consistently fails to improve pupil~~
40 ~~achievement in English, language arts, and mathematics, as~~

1 measured under the Standardized Testing and Reporting Program
2 established under Section 60640.

3 ~~(E) For public schools, the department may terminate the grant~~
4 ~~of any school within the program that fails to improve the~~
5 ~~achievement of participating pupils in English language~~
6 ~~proficiency for three consecutive years, as measured by the~~
7 ~~English language development test established under Section~~
8 ~~60810.~~

9 *(D) For public schools, the department may terminate the*
10 *grant of any school within the program that fails to demonstrate*
11 *that at least 70 percent of the participating pupils have either*
12 *improved their school day attendance from the previous year or*
13 *maintained an attendance level of at least 95 percent, and either*
14 *of the following:*

15 *(i) Improve, over three consecutive years, the achievement of*
16 *participating pupils in English, language arts, and mathematics,*
17 *as measured by the results of the Standardized Testing and*
18 *Reporting Program established under Section 60810.*

19 *(ii) Improve, in at least one of the three consecutive years, the*
20 *achievement of participating pupils in English language*
21 *proficiency, as measured by the English language test*
22 *established under Section 60810.*

23 ~~(F)~~

24 *(E) Academic improvement in English, language arts, and*
25 *mathematics may each be demonstrated using performance levels*
26 *from the Standardized Testing and Reporting Program by*
27 *compliance with any of the following:*

28 *(i) The grantee documents that the percentage of pupils*
29 *performing at the Far Below Basic level declined by a minimum*
30 *of 2 percent.*

31 *(ii) The grantee documents that the percentage of pupils*
32 *performing above the Far Below Basic and Below Basic levels*
33 *increased by a minimum of 2 percent.*

34 *(iii) The grantee documents that the percentage of pupils who*
35 *performed at or above the Basic level increased by a minimum of*
36 *2 percent.*

37 *(iv) The grantee documents that pupils participating in the*
38 *program performed better in a year-to-year comparison of the*
39 *results of the Standardized Testing and Reporting Program than*
40 *their peers who were not participating in the program.*

1 (10) A program receiving a grant under this section is not
2 assured of grant renewal from future state or federal funding at
3 the conclusion of the grant period.

4 (d) Notwithstanding any other provision of law, and
5 contingent upon the availability of funding, the department may
6 adjust the core grant of any grantee based upon one or both of the
7 following:

8 (1) Amendments made to this section by Chapter 555 of the
9 Statutes of 2005, or any subsequent amendments thereto.

10 (2) The demonstrated historical earning pattern of the grantee.
11 If an adjustment based upon the demonstrated historical earning
12 pattern of the grantee results in a reduction, that adjustment shall
13 be based upon at least two years of historical earning pattern data
14 for the affected grantee.

15 (e) Funds received but unexpended under this article may be
16 carried forward to subsequent years consistent with federal
17 requirements. Any adjustments made under subdivision (d) or
18 paragraph (9) of subdivision (c) may also be applied to reduce
19 the amount carried forward under this subdivision.

20 (f) This article shall be operative only to the extent that federal
21 funds are made available and appropriated by the Legislature for
22 the purposes of this article. It is the intent of the Legislature that
23 this article not be considered a precedent for General Fund
24 augmentation of either the state administered, federally funded
25 program of this article, or any other state funded before or after
26 school program.

27 SEC. 44. Section 8484.9 of the Education Code is amended to
28 read:

29 8484.9. (a) There is hereby established in the department an
30 Advisory Committee on Before and After School Programs for
31 the purpose of providing information and advice to the
32 Superintendent, the Secretary for Education, and the State Board
33 of Education regarding state and federal policy and funding
34 issues affecting before and after school programs authorized
35 under Article 22.5 (commencing with Section 8482) and this
36 article, based on regular and systematic input from providers.

37 (b) The membership of the advisory committee shall consist of
38 all of the following persons, the majority of whom shall be
39 operators of before or after school programs:

40 (1) Six persons appointed by the Governor as follows:

- 1 (A) Two persons who operate an urban before or after school
2 program.
- 3 (B) Two persons who operate a rural before or after school
4 program.
- 5 (C) One person from a private foundation or a postsecondary
6 academic institution.
- 7 (D) One person representing a unified school district.
- 8 (2) Two persons appointed by the Superintendent as follows:
- 9 (A) One person who operates a high school after school
10 program.
- 11 (B) One person from a private foundation or a postsecondary
12 academic institution.
- 13 (3) Two persons appointed by the Senate Committee on Rules
14 as follows:
- 15 (A) One person who operates a small elementary after school
16 program.
- 17 (B) One person who operates a large middle school after
18 school program.
- 19 (4) Two persons appointed by the Speaker of the Assembly as
20 follows:
- 21 (A) One person who operates a large elementary school after
22 school program.
- 23 (B) One person who operates a small middle school after
24 school program.
- 25 (5) The Secretary for Education, or his or her designee.
- 26 (c) The advisory committee membership shall be
27 representative of the diversity of before and after school
28 programs, regarding geography, size, and public or nonpublic
29 operation.
- 30 (d) The advisory committee members shall select one of its
31 members to be the chair of the committee. It is the responsibility
32 of the chair to act as the conduit between the advisory committee
33 and the Superintendent, the state board, and appropriate staff.
- 34 (e) The advisory committee shall nominate, and the state board
35 shall confirm, a staff member to serve as consultant to the
36 advisory committee.
- 37 (f) The advisory committee shall meet as frequently as
38 necessary but at least three times each year. The meetings of the
39 committee may be conducted by teleconference.

1 (g) The members of the advisory committee shall serve
2 without compensation, including no compensation for travel and
3 per diem expenses.

4 (h) The advisory committee shall do all of the following:

5 (1) Provide information on the status of funding provided for
6 before and after school programs in each fiscal year, including
7 the number of applications received, the number of applications
8 funded, and the amount and timing of committed funding.

9 (2) Provide recommendations on legislative and administrative
10 action needed to ensure that funding for before and after school
11 programs is allocated promptly to qualified providers of before
12 and after school programs.

13 (3) Provide information on the quality of services and program
14 accountability measures.

15 (4) Provide information regarding challenges faced by before
16 and after school programs that impede the provision of best
17 possible services.

18 SEC. 45. The Legislature finds and declares that this act
19 furthers the purposes of the After School Education and Safety
20 Program Act of 2002.

21 SEC. 46. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety
23 within the meaning of Article IV of the Constitution and shall go
24 into immediate effect. The facts constituting the necessity are:

25 In order to allocate funds appropriated in the Budget Act of
26 2006 for learning center programs at the earliest possible time, it
27 is necessary that this act take effect immediately.